

UNITED STATES DISTRICT COURT  
for the  
NORTHERN DISTRICT OF CALIFORNIA

SAVE MART SUPERMARKETS, d/b/a  
FOOD MAXX, a California Corporation

Plaintiff

v.

WAL-MART REAL ESTATE BUSINESS TRUST, a  
Delaware Statutory Trust, WAL-MART STORES,  
INC., a Delaware Corporation

Defendant

Civil Action No. 08-03885-SC

**Summons in a Civil Action**

To: WAL-MART REAL ESTATE BUSINESS TRUST, a Delaware Statutory Trust  
(Defendant's name)

A lawsuit has been filed against you.

Within <sup>20</sup>~~60~~ days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Gregory P. O'Hara, Esq.  
Daniel J. Muller, Esq.  
Karin M. Cogbill, Esq.

Thelen Reid Brown Raysman & Steiner 408-292-5800 (phone)  
LLP 408-287-8040 (fax)  
225 West Santa Clara Street; 12<sup>th</sup> Floor  
San Jose, CA 95113

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 8/29/08

Richard W. Wieking

Name of clerk of court

ALFRED AMISTOSO

Deputy clerk's signature